

EXHIBIT D

Jennifer Johnson

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**From:** Greg Sueoka  
**Sent:** Monday, December 01, 2003 10:05 AM  
**T :** Jennifer Johnson  
**Subject:** FW: Responds to your letter of November 12

Jennifer,  
FYI.  
Lets try to file the continuation by this Friday.  
Greg

Greg T. Sueoka  
Fenwick & West LLP  
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Mountain View, CA 94041-2008  
Direct: 650-335-7194  
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-----Original Message-----

**From:** Michelle Lee  
**Sent:** Sunday, November 30, 2003 7:31 PM  
**To:** Greg Sueoka  
**Subject:** FW: Responds to your letter of November 12

Greg,

Following up on your email to me, the only responses Shaoher has sent to me regarding my requests to him to sign declarations for the continuation applications and to sign an oath for application 7026 are shown below. It would probably be a good idea to follow up with his IP counsel since I take it we have not heard back from Shaoher or his IP counsel?

--Michelle

-----Original Message-----

**From:** Michelle Lee  
**Sent:** Fri 11/21/2003 5:55 PM  
**To:** 'Shaoher Pan'  
**Cc:** Dennis Debroeck; Greg Sueoka  
**Subject:** RE: Responds to your letter of November 12

Dear Shaoher,

Thank you for your follow-up email. Since you are now represented by counsel, we cannot communicate with you directly. I note that Greg Sueoka had a discussion with your counsel, John Ferrell, yesterday regarding the

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continuation applications and your declaration. Moreover, please refer all patent related matters and correspondence for XHP to Greg Sueoka, as I will be pursuing a new opportunity and will no longer be with the firm after the first week of December.

Best regards,  
--Michelle

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Michelle K. Lee  
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Mountain View, California 94041  
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-----Original Message-----

From: Shaoher Pan [<mailto:xpan95120@yahoo.com>]  
Sent: Wednesday, November 19, 2003 5:17 PM  
To: Michelle Lee  
Cc: Dennis Debroeck; [xpan95120@yahoo.com](mailto:xpan95120@yahoo.com)  
Subject: Responds to your letter of November 12

Dear Michelle,

This communication follows your letter of November 12, my email of November 13, and your reply of November 18. I am requesting clarification on the request in your emails to me.

You are asking me to sign declarations in connection with continuation patent applications. As you may know, I do not have a copy of the patent applications or related file materials for reference because I left those materials at the company. It is my recollection that I am the sole inventor on each of the parent patent applications to which the new continuation patent application will claim priority, and that I am the sole inventor of all of the subject matter disclosed in the parent patent applications. It is possible that a review of the patent materials may clarify my recollection. I am also prepared to consider any information the company wishes to provide regarding the alleged contributions of the co-inventors who have been added to your continuation application.

Without such information, however, I do not see any basis for adding inventors to subject matter that I

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believe I alone invented. I am willing to cooperate, but I need to understand the basis for adding inventors to patent application in which you previously determined that I was the sole inventor. Should you proceed in this endeavor without my approval, I trust that you will report to the Patent Office that it is my position that I am the only inventor of the subject matter in the continuation patent applications.

Please let me know if you have any questions.

Shaoher

(408) 268-0702

--- Michelle Lee <MLee@fenwick.com> wrote:

>  
> Dear Shaoher,  
>  
> Thank you for your email.  
>  
> We regard XHP Microsystem's patent strategy as  
> confidential information of the company and, hence,  
> are not in a position to disclose.  
>  
> With respect to the declarations I sent to you, the  
> statute simply requires that the named inventor(s),  
> including yourself, declare that they are the  
> original and first inventor(s) of the claimed  
> subject matter for which a patent is sought.  
>  
> Thank you for your cooperation.  
>  
> Best regards,  
> --Michelle

>  
> -----Original Message-----  
> From: Shaoher Pan [mailto:xpan95120@yahoo.com]  
> Sent: Thu 11/13/2003 11:36 AM  
> To: Michelle Lee  
> Cc: Dennis Debroeck; xpan95120@yahoo.com  
> Subject: Time of New Invention

>  
>  
> Michelle,  
>  
> I just received your package of new US patent  
> application dated November 12, 2003. I would

> like to explore the basis for this action.  
>  
> I formally request that you provide to me a list of  
>  
> inventions made by each of new authurs that are  
> included in the three new US patent application, as  
>  
> well as the time when each of them made those  
> inventions.  
>  
> I look forward to hearing from you.  
>  
> Best,  
>  
> Shaoher Pan  
>  
> 1133 Kelez Drive,  
>  
> San Jose, CA 95120  
>  
> (408) 268-0702  
>  
>  
> ATTENTION  
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